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December 21, 2017

Hon. Sterling Johnson, Jr.  
United States District Court  
Eastern District of New York  
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Brooklyn, NY 11201

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Re: United States ex rel. Hanks v. US Oncology Specialty,  
LLP, et al., No. 1:08-cv-03096-SJ-RML (E.D.N.Y.)

Dear Judge Johnson:

As counsel for plaintiff-relator Don Hanks in the above-captioned action, we write to alert the Court to the fact that several motions, including motions to dismiss filed by the defendants, have been fully briefed and available for resolution for a substantial period. We urge the Court to address them as expeditiously as possible.

The initial complaint in this case was filed in 2008. The current amended complaint was filed in May 2014. Dkt. 51. Afterwards, motions to dismiss were filed and argued. The motions were submitted for decision in October 2014. Dkt. 146-160. In addition to those motions, our motion for a default judgment against Regional Consultants in Hematology and Oncology, Inc. (Dkt. 162, 168), is pending decision, as is a motion by the government to authorize a setoff against the relator fees due Mr. Hanks from the Amgen settlement. (The Court will recall that the main defendant in the original case was Amgen, Inc.) Briefing on the setoff issue was completed in February 2016. Dkt. 174-178. The government intends to continue to hold the funds awarded to Mr. Hanks – a total of \$220,000 – in escrow and unavailable to the plaintiff-relator until the setoff issue is resolved.

Last week, we provided a draft of this letter to counsel for all defendants, inviting them to join in it. Counsel for Cancer Specialists of North Florida authorized us to state that her client joins in the request. No other parties, including United States, through the Office of the United States Attorney and the Tax Division of the Department of Justice, responded to our letter.

Respectfully submitted,

HENNIG & RUIZ

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By: Rob Hennig

GeyerGorey LLP

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By: Hays Gorey, Jr.

cc: All counsel via ECF